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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

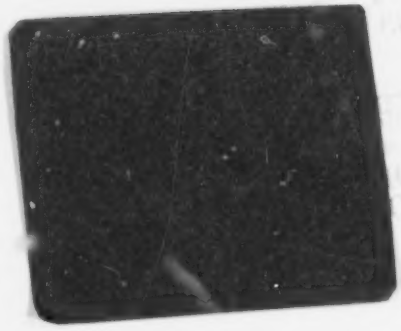
REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Fourteenth periodic report of States parties due in 1996

Addendum

Libyan Arab Jamahiriya*

[Original: Arabic]
[4 March 1997]



* This document contains the eleventh, twelfth, thirteenth and fourteenth periodic reports, submitted in one document, due on 4 January 1990, 1992, 1994 and 1996, respectively. For the tenth periodic report of the Libyan Arab Jamahiriya and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/172/Add.1 and CERD/C/SR.852.

The information submitted by the Libyan Arab Jamahiriya in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.77.

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1. The present report attempts to give an overall idea of the legislative, judicial and administrative measures adopted by the Great Socialist People's Libyan Arab Jamahiriya in fulfilment of its obligations under the terms of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as any developments regarding these measures up to 5 January 1994, the date of submission of this report. Although the phenomenon of racial discrimination does not exist in Libyan society, legislative, judicial and administrative measures have been taken to forestall any incipient manifestations of this phenomenon and the present report gives an insight into the joint endeavours of the Great Socialist People's Libyan Arab Jamahiriya and the international community to combat this phenomenon at the international level.

I. GENERAL INFORMATION

2. The Libyan Arab Jamahiriya is situated in central North Africa between latitudes 18° and 23° N and longitudes 9° and 25° E. It has a Mediterranean coastline of 1,800 km and is bounded on the eastern side by Egypt and the Sudan, on the western side by Tunisia and Algeria and on the southern side by Chad and Niger. It covers a total area of 1,775,500 km^2, which makes it the fourth largest country in Africa after the Sudan, the Congo and Algeria.

3. The Libyans, who are of common racial origin, profess Islam and speak Arabic. Their total number has more than quadrupled in less than 40 years from 1,042,000 in 1954 to 1,516,000 in 1964, 2,052,000 in 1973 and 3,231,000 in 1984. In 1992, the population was estimated at 4.8 million persons. During the period from 1954 to 1994, the population growth rate ranged from 3.8 to 4.2 per cent. This rapid increase in population growth was attributable to various factors including, in particular, the rising birth rate and the declining mortality rate due to the improvement in standards of living, the availability of health care for the population and the return of Libyans who had migrated from the country during the Italian colonial era.

4. According to the statistics, the male proportion of the population is larger than the female. However, the male/female ratio has begun to decline from 108:100 in 1954 to 109:100 in 1964 and 104:100 in 1992 and is expected to become 102:100 in the year 2015.

5. The non-Libyan population, who came to live and work in the Libyan Arab Jamahiriya, increased from about 47,000 in 1954 to about 412,000 in 1984 and 457,000 in 1992. However, it should be noted that the number of non-Libyans may exceed this figure, since there are no accurate and reliable data on some non-Libyans who are not permanently resident but enter the country for short periods of time ranging from one week to six months. The total Libyan and non-Libyan population is expected to increase during the period from 1994 to 2015 during which it is estimated that the number of Libyans will increase to 9,873,000 persons and the number of non-Libyans to 1,756,000 persons. Table 1 shows the evolution in the size of the Libyan and non-Libyan population, as well as the future estimates, for the period 1954-2015, while table 2 shows the evolution in the annual compound population growth rates in the Jamahiriya by sex and nationality for the period 1954-2015.

Table 1

Evolution of the population of the Jamahiriya
during the period from 1954 to 2015
(millions)

Population	Results of the general population censuses				Expenditure survey	Future projections			
	1954	1964	1973	1984	1992*	1994	1995	2000	2015
Libyans	1.042	1.516	2.052	3.231	4.366	4.8	5.009	5.986	9.837
Non-Libyans	0.047	0.049	0.197	0.412	0.457	0.72	0.751	0.898	1.756
Total	1.089	1.564	2.249	3.643	4.823	5.52	5.76	6.884	11.593

Source: Department of Statistics and Censuses/General People's Committee for Planning/General People's Committee for Education and Scientific Research.

* The non-Libyan population includes only registered residents.

Table 2

Evolution of annual compound population growth rates in the Jamahiriya, by sex and nationality, during the period from 1954 to 2015

Nationality	Sex	General censuses and household expenditure survey				Future projections	
		1954-1964	1964-1973	1973-1984	1984-1992	1992-2000	2000-2015
Libyans	Male	3.9	3.3	4.1	3.8	3.9	3.3
	Female	3.8	3.5	4.3	3.8	4	3.4
	Total	3.8	3.4	4.2	3.8	3.9	3.4
Non-Libyans	Male	-	20.6	7.7	-	9.6	4.6
	Female	0.7	11	5.1	8.2	7.8	4.6
	Total	0.3	16.7	6.9	1	8.8	4.6
Total	Male	3.7	4.3	4.6	3	4.6	3.5
	Female	3.7	3.9	4.3	4.2	4.5	3.5
	Total	3.7	4.1	4.5	3.6	4.5	3.5

Sources: As already specified.

6. All Libyans profess the Islamic faith, the adherents of which respect the religious observances of non-Muslims. This respect is advocated by Islam itself and is also guaranteed by the Constitutional Declaration promulgated on 11 December 1969, article 2 of which stipulates that: "The State shall protect freedom of religious observance in accordance with prevailing customs." In actual fact, in some Libyan towns there are churches in which non-Muslims living in Libyan territory can perform their religious observances.

7. The Constitutional Declaration promulgated on 11 December 1969 stipulates that authority is exercised by the people. Since the Declaration of the Establishment of the People's Authority on 2 March 1977, the political system of the Libyan Arab Jamahiriya has been based on the direct authority of the people, which is exercised through the basic people's congresses, the people's committees, trade unions, occupational federations, professional associations and the General People's Congress.

8. The basic people's congresses, comprising all members of society, both men and women, are the sole instrument for the exercise of legislative authority in the country and take all decisions governing public life. In particular, they have the following decision-making powers:

(a) Adoption of legislation in various fields;

(b) Drafting and adoption of the Economic Plan and the public budgets;

(c) Ratification of treaties concluded between Libya and other States;

(d) Definition of Libya's relations with other States;

(e) Formulation of public policies;

(f) Decisions concerning matters of war and peace;

(g) Election and accountability of their secretariats and people's committees.

9. The people's committees, which constitute the instrument for the implementation of the decisions of the basic people's congresses, manage all the sectors, institutions, organizations, departments, bodies, companies and other administrative units and are accountable to the basic people's congresses.

10. The General People's Congress, in which all the basic people's congresses, people's committees, trade unions, occupational federations and professional associations are represented, is responsible for the drafting and promulgation of legislation.

11. Judicial authority is exercised by the various types and levels of courts in accordance with the provisions of the Organization of the Judiciary Act and the Supreme Court Act. The working procedures of the courts are regulated by law. The judiciary, which is independent, hands down judgements in cases brought before it in accordance with the legislation in force.

12. During the last 25 years, Libya's national economy has witnessed major economic and social changes by virtue of the considerable investments that have been made through the development plans. Domestic investment, being an important stimulus for economic growth and the development of national income, has increased steadily since the 1970s due to the fact that, through various economic plans, Libya's strategy for economic transformation has been to use most of the domestic savings generated by the increase in the prices and quantities of petroleum, exported during that period for local investment in the various economic sectors in such a way as to achieve higher productivity in the basic agricultural and industrial sectors, ensure that the growth rate of national income in real terms exceeds the population growth rate, diversify the sources of national income and reduce reliance on petroleum as the main source of income. There were notable rises in the gross domestic product during this period, in spite of the sharp fluctuations in the prices of petroleum, and, consequently, in the quantities exported. In comparison with the base year 1970, GDP was seven times higher at the end of 1991 and had been eight times higher in 1980 due to the rise in international petroleum prices.

13. Through the investment programme that was implemented during the period 1970-1988, the economic development plans sought to restructure the national economy in favour of non-petroleum-based economic activities in such a way as to provide new and renewable sources of income that were not dominated by the crude petroleum sector, which constitutes a non-renewable and depletable source. However, the coercive measures and sanctions imposed on Libya have damaged its economic development and production capacity, thereby violating the basic principles of international law and international conventions in the field of human rights in a manner which is incompatible with the development goals of the United Nations and its specialized agencies.

II. OVERVIEW OF THE POLICY OF ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Article 1

14. The citizens of the Libyan Arab Jamahiriya belong to the same race, profess the same religion and speak the same Arabic language. This has helped to prevent the appearance of the phenomenon of racial discrimination in any of its forms, since there are no communities based on religion, ethnic origin, language, race, colour or political affiliation.

15. Libyans live in a homogeneous society in which equality and social solidarity prevail. This society derives its hatred of all forms of racial discrimination, as well as its inclination towards tolerance, from the values advocated by Islam and the concepts underlying the legislation in force preclude the appearance of any form of racial discrimination.

16. Article 5 of the Constitutional Declaration stipulates that all citizens are equal before the law. Article 3 thereof further stipulates that social solidarity is the basis of national unity.

17. According to the Great Green Document on Human Rights in the Age of the Masses, which was adopted by the General People's Congress on 12 June 1988 (United Nations General Assembly document A/44/331), the members of the

society of the Jamahiriya reject any discrimination among human beings on grounds of colour, race, religion or culture and principle 21 of that Document places men and women on an equal footing in all human respects.

18. Article 1 of the Promotion of Freedom Act No. 20 of 1991 stipulates that all male and female citizens of the Jamahiriya are free and equal in regard to their rights, which are inviolable.

19. Slavery and the slave trade are prohibited by the Libyan Penal Code, article 420 of which stipulates that: "Anyone who enslaves a person or places him in a situation similar to slavery shall be punished by a term of 5-15 years' imprisonment. Article 426 of the same Code further stipulates that: "Anyone who deals or trades in slaves or in any way disposes of a person held in a state of slavery or a state resembling slavery shall be punished by a term of up to 10 years' imprisonment. A penalty of 3-12 years' imprisonment shall be imposed on anyone who sells, gives away, possesses or acquires a person held in slavery or in a state similar to slavery or causes him to remain in the said state."

20. Everyone has a guaranteed right to exercise his political rights on an equal footing in accordance with article 2 of the Promotion of Freedom Act, which stipulates that: "Every citizen has the right to exercise authority and self-determination in the people's congresses and the people's committees. No citizen may be denied the right to be a member thereof or to elect their secretariats, provided that he or she meets the requisite conditions."

21. The Libyan Arab Jamahiriya is a party to most of the conventions concerning human rights, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which, together with the International Convention on the Elimination of All Forms of Racial Discrimination, are binding and, in terms of legal value, prevail over the provisions of domestic legislation. In the event of conflict between the provisions of domestic legislation and those of a convention to which the Libyan Arab Jamahiriya is a party, the provisions of the latter prevail over Libyan legislation. In keeping with this principle, the International Convention on the Elimination of All Forms of Racial Discrimination is binding on the judiciary and any interested party is entitled to invoke its provisions before the Libyan courts, which have an obligation to rule on such a petition in such a way as to ensure the application of the provisions of the Convention. International conventions are ratified by the basic people's congresses in accordance with the law and their provisions thereby become an integral part of domestic legislation and binding on all.

III. INFORMATION CONCERNING ARTICLES 2-7 OF THE CONVENTION

Article 2

22. The Holy Qur'an, which is the social code in the Libyan Arab Jamahiriya, contains many verses which remind all people that they are of common origin and that they are equal, no distinction being made between one person and another except on the basis of their acts. In general, these verses prohibit

mockery of men or women and reject racial discrimination against persons or groups, regardless of whether such discrimination is practised by the ruler or the ruled.

23. Even though Libyan society is homogeneous and abhors all forms of racial discrimination, the Great Green Document on Human Rights in the Age of the Masses, which was promulgated in 1988, contains many principles designed to sanctify and safeguard human freedom and ensure a decent life for all members of society. The relevant principles in this regard are as follows:

Principle 16: "The society of the Jamahiriya holds humanitarian standards and values sacred and aspires to a humane society without aggression, without wars, without exploitation and without terrorism, a society in which no one is regarded as being great or unimportant. All nations, peoples and ethnic groups have a right to live in freedom according to their choice and likewise have a right to exercise self-determination and establish their national identity. Minorities are entitled to protection for their members and their heritage and their legitimate aspirations must not be suppressed, nor must force be used to merge them in any other ethnic group."

Principle 17: "The members of the society of the Jamahiriya affirm the human right to enjoy the benefits, privileges, values and examples afforded by solidarity, cohesion, unity, concord and family, tribal, national and human feelings of affection. They therefore strive to establish the natural national entity for their nation and assist those struggling to establish their own natural national entities. The members of the society of the Jamahiriya reject any discrimination between human beings on grounds of their colour, sex, religion or culture."

Principle 18: "The members of the society of the Jamahiriya defend and uphold freedom anywhere in the world and assist those oppressed for freedom's sake. They encourage peoples to confront injustice, tyranny, exploitation and colonialism and call upon them to resist imperialism, racism and fascism, in accordance with the principle of the collective struggle of peoples against the enemies of freedom."

Principle 21: "The members of the society of the Jamahiriya, both men and women, are equal in all human respects ...".

24. Article 1 of Act No. 5 of 1991, concerning the application of the principles of the Great Green Document, stipulates that the legislation in force prior to the promulgation of the Great Green Document shall be amended in a manner consistent with the principles of that Document and no legislation contrary to those principles may be promulgated.

25. Article 1 of the Promotion of Freedom Act No. 20 of 1991 stipulates that all citizens of Libya, whether male or female, are free and equal in regard to their rights, which are inviolable. This Act regulates the rights of citizens, including their right to exercise authority and defend their country, their freedom to express their opinions and ideas and establish trade unions, federations and charitable associations, their freedom to choose the type of employment best suited to them, their human right to enjoy the fruit

of their labour and protection of their private property and their right to benefit from the land. The Act also prohibits the conduct of scientific experiments on the body of any living person without his voluntary consent.

26. Article 289 of the Penal Code, concerning interference with the performance of religious observances and disrespect for holy places, stipulates that: "A penalty of up to one year's imprisonment or a fine of up to 50 dinars shall be imposed on anyone who disrupts or impedes, by violence or threats, the holding of public religious observances or any private religious ceremony. The same penalties shall apply to anyone who damages, breaks, destroys or desecrates premises intended for the holding of religious observances or other objects venerated by the members of a religious community or population group." Article 290 of the same Code, concerning attacks on religion, further stipulates that: "The penalties prescribed in the preceding article shall also apply to anyone who openly attacks a religion the observances of which are held in public. The provisions of this article apply to: (i) The printing or publication of a book that is sacred in the eyes of the adherents of a religion, the observances of which are held in public, in such a way as to deliberately distort and alter the meaning of the text of the said book; (ii) Mimicry of a religious ceremony or rite in a public place with a view to ridiculing it or entertaining onlookers."

27. The Libyan Arab Jamahiriya has hosted the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization established in 1976 which enjoys consultative status with the Economic and Social Council and the aim of which is to endeavour, by every possible means, to contribute to the elimination of all forms of racial discrimination throughout the world.

28. The Libyan Arab Jamahiriya has also participated in the international conferences to combat racism and racial discrimination, particularly the first conference held at Geneva in 1978 under the auspices of the United Nations and the second conference likewise held at Geneva in 1983 under the auspices of the United Nations. It hosted the first conference on solidarity with peoples struggling under the domination of apartheid and with the front-line States, which was held at Tripoli from 23 to 27 November 1985 under the joint auspices of the Organization of African Jurists, the Association of Libyan Jurists and the General People's Congress in the Jamahiriya.

Article 3

29. As a matter of policy, the Libyan Arab Jamahiriya is firmly opposed to all forms of racial discrimination and has supported the liberation movements and groups struggling against enslavement of the majority by ruling minorities in South Africa when that country was suffering under the apartheid regime, which the Jamahiriya regarded as a crime against humanity, and duly expressed its full commitment to the total boycott of the former apartheid regime in South Africa.

30. The Jamahiriya regarded itself as one of the African States which opposed and endeavoured to eliminate that system of racial discrimination in order to free the African continent from that odious policy that flouted human rights. In fact, the Libyan Arab Jamahiriya did its utmost and mobilized all

its resources in order to contribute, together with the international community, to the elimination of racist practices and racial discrimination and, to that end, supported all the resolutions of the General Assembly of the United Nations condemning those policies and proclaiming the First, Second and Third Decades to Combat Racism and Racial Discrimination.

Article 4

31. Libyan legislation prohibits all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin. Reference has already been made to the content of principle 16 of the Great Green Document on this subject (para. 10).

32. The citizens of Libya are descended from the same race, speak the same language (Arabic) and profess the same religion (Islam). Hence, there are no theories or communities based on religion, race, ethnic origin or political affiliation.

33. It is noteworthy that paragraph 203 of the Penal Code prescribes penalties for anyone who commits an act designed to provoke civil war, disrupt national unity or discriminate among citizens of the Jamahiriya.

Article 5

34. The legislation in force in the Libyan Arab Jamahiriya guarantees all the rights referred to in this article in the following manner:

35. Article 5 (a): Article 5 of the Constitutional Declaration stipulates that: "All citizens are equal before the law." Article 30 of the same Declaration further stipulates that: "Everyone has the right to resort to the courts in accordance with the law."

36. According to principle 9 of the Great Green Document on Human Rights in the Age of the Masses: "The society of the Jamahiriya guarantees the right of legal redress, as well as the independence of the judiciary and the right of every accused person to a fair and impartial trial."

37. Under article 30 of the Promotion of Freedom Act No. 20 of 1991: "Everyone has the right to apply to the courts, in accordance with the law. The court must provide the person concerned with all the requisite safeguards, including a lawyer, and he has the right to avail himself of the services of a lawyer not chosen by the court provided that he bears the costs of the said lawyer's fees."

38. Article 27 of the Constitutional Declaration stipulates that: "The aim of the judgements handed down by the courts is to protect the principles of society and the rights, dignity and freedoms of individuals."

39. Article 1 of the People's Court Act No. 5 of 1988 made provision for the establishment of a People's Court to promote freedom, ensure legal redress for persons who have been wronged, prevent tyranny and oppression, strengthen the foundations of justice and security and consolidate the people's authority.

In accordance with article 2, paragraph 5, the People's Court is competent to hear appeals against measures or decisions that are prejudicial to the freedom and other basic rights of citizens. Under the provisions of article 2, paragraph 6, the Court is also competent to hear appeals against measures, procedures or decisions that are prejudicial to the personal freedoms provided for in chapter IV, sections 1 and 2, of the Penal Code if, for any reason, the matter is not referred to the judicial authority.

40. Article 5 (b): Article 31, paragraph (c), of the Constitutional Declaration stipulates that: "... it is prohibited to inflict physical or mental harm on an accused person or a prisoner".

41. According to article 14 of the Promotion of Freedom Act: "No person's liberty may be restricted or taken away, nor shall anyone be searched or questioned, except by order of a competent judicial authority and in the legally stipulated circumstances and time-limits if he is accused of committing a legally punishable act."

42. Chapter IV, section 2, of the Libyan Penal Code deals with offences against personal freedom. Its relevant provisions are as follows:

"Article 428:

"1. Anyone who abducts, detains or confines any person or in any way deprives him of his personal liberty by force, threats or deception shall be punished by a term of up to five years' imprisonment.

"2. The penalty shall be a term of up to seven years' imprisonment if the offence was committed: (a) against an ascendant, a descendant or the spouse; (b) by a public official exceeding the limits of his official authority; or (c) in order to gain something in return for his release."

"Article 429:

"Anyone who, through the use of violence or threats, compels a person to perform, suffer or refrain from an act shall be punished by a term of up to two years' imprisonment. A term of detention shall be imposed if the threats were intended to compel the other person to commit a felony or if the threats were made in writing. If the offender obtained illicit benefit to the detriment of the other person, the penalty shall be a term of up to five years' imprisonment. The penalty shall be increased by one third if the violent or threatening acts involved the use of a weapon or if they were committed by a number of persons acting in association or by a person in disguise."

"Article 430:

"Anyone who threatens to inflict unlawful harm on another person shall be punished by a term of up to six months' imprisonment or a fine of up to 50 dinars. However, proceedings can be instituted only on the basis of a complaint by the victim."

"Article 431:

"Any public official who, in the discharge of his duty, uses violence against any person in such a way as to detract from his dignity or cause him physical pain shall be punished by a term of detention and a fine of up to 150 dinars."

"Article 432:

"Any public official who exceeds the limits of his authority by searching a person shall be punished by a term of detention."

"Article 433:

"Any public official who exceeds the limits of his authority by arresting a person shall be punished by a term of detention."

"Article 434:

"A term of detention and a fine of up to 50 dinars shall be imposed on any public official entrusted with the administration of a prison or a place intended for the enforcement of preventive measures if he admits a person thereto without an order from the competent authorities or if he refuses to obey their order to release the person concerned or unjustifiably prolongs the duration of his sentence or of the preventive measure taken against him."

"Article 435:

"Any public official who personally tortures or orders the torture of accused persons shall be punished by a term of 3 to 10 years' imprisonment."

43. Under the terms of article 64 of Act No. 10 of 1993 promulgating the Security and Police Act, any member of the Police Service is liable to prosecution and punishment if he ill-treats a member of the public during the discharge of his duties.

44. Article 5 (c): Article 2 of the Promotion of Freedom Act No. 20 of 1991 stipulates that: "Every citizen has the right to exercise authority and self-determination in the people's congresses and the people's committees. No citizen may be denied the right to be a member thereof or to elect their secretariats, provided that he or she meets the requisite conditions."

45. Article 4 of the Constitutional Declaration further stipulates that: "Public office is a trust vested in the persons undertaking it and, in the discharge of their tasks and duties, the aim of public officials should be to serve the people."

46. In accordance with paragraph 3 of the Declaration Establishing the People's Authority, every citizen of the Jamahiriya, whether male or female,

has a guaranteed right to take part in the conduct of public affairs. According to the Declaration, in the Jamahiriya authority is exercised through the following bodies:

(a) The basic people's congresses, which exercise legislative authority in the country;

(b) The people's committees, which exercise executive authority;

(c) The General People's Congress, in which the basic people's congresses, the people's committees, the trade unions, the federations and the professional associations are represented, which is responsible for the drafting of legislation and decrees. The people's congresses and the people's committees are governed by a special legislative enactment. The legislative authority, consisting in the basic people's congresses, is governed by Act No. 2 of 1994 and discusses draft legislation proposed by the executive authority. It is also empowered to propose any topics which it deems appropriate for discussion. Following their discussion, it takes decisions thereon, which are subsequently transmitted to the General People's Congress for drafting.

The executive authority is governed by Act No. 3 of 1994 and is exercised by the people's committees, which are responsible for the implementation of the legislation or decisions promulgated by the people's congresses. The judicial authority, which is independent, is responsible for handing down judgements in cases brought before it in accordance with the provisions of the legislation in force.

47. Article 5 (d): With regard to subparagraphs (i) and (ii), article 20 of the Promotion of Freedom Act No. 20 of 1991 stipulates that:

> "In time of peace, every citizen has the right to freedom of movement and freedom to choose his place of residence, as well as the right to leave the Jamahiriya and return thereto whenever he wishes.
>
> "By way of derogation from the provisions of the preceding paragraph, the competent court may issue provisional injunctions banning departure from the Jamahiriya."

48. According to principle 3 of the Great Green Document on Human Rights in the Age of the Masses: "The members of the society of the Jamahiriya enjoy freedom of movement and residence in time of peace." With regard to subparagraph (iii), principle 4 of that Document stipulates that: "Citizenship in the society of the Jamahiriya is a sacred right which may not be forfeited or withdrawn."

49. Nationality is regulated by Act No. 17 of 1954 and Act No. 18 of 1980 and their implementing regulations. It is noteworthy that women enjoy the same rights as men in regard to the right to acquire, change or retain their nationality or replace it with another nationality. Their exercise of this right is not affected by any other factors. A woman's nationality is not

affected if she marries a non-Libyan or if her husband changes his nationality, since she forfeits her nationality only if she wishes to adopt her husband's nationality.

50. With regard to subparagraph (iv), article 25 of the Promotion of Freedom Act No. 20 of 1991 stipulates that: "Every male and female citizen has the right to form a family based on a contract of marriage concluded with the consent of both parties and which cannot be dissolved without their consent or a judgement by a competent court."

51. Principle 21 of the Great Green Document further stipulates that: "Marriage is an equal partnership between two equal parties, neither being permitted to marry the other without his or her consent and divorce being permissible only with the concurrence of both parties or in accordance with a judgement resulting from a fair court hearing."

52. Article 8 of Act No. 10 of 1984, which regulates marriage and divorce and the effects thereof, stipulates that: "A guardian cannot force a young man or woman to marry against his or her will, nor can a guardian prevent his ward from marrying a spouse of his or her choice." Article 9 of the same Act further stipulates that: "If a lawful guardian prevents his ward from marrying the spouse of his or her choice, the ward may request a court to authorize the marriage if it deems such to be appropriate."

53. With regard to subparagraph (v), article 12 of Act No. 20 of 1991 stipulates that: "Private property is sacrosanct and inviolable, provided that its origin is legitimate and does not entail exploitation of, or cause material or moral harm, to others. It is prohibited to use such property in a manner incompatible with public order and morality. It is not permissible to expropriate private property except in the public interest and in return for fair compensation."

54. According to article 8 of the Constitutional Declaration: "The public property of the people forms the basis for the advancement and development of society and the achievement of self-sufficiency in production. Non-exploitative private property shall be safeguarded and shall not be expropriated except as provided by law."

55. With regard to subparagraph (vi), article 8 of the Constitutional Declaration further stipulates that: "Inheritance is a right governed by the Islamic Shari'a."

56. With regard to subparagraph (vii), article 2 of the Constitutional Declaration stipulates that: "Islam is the religion of the State, the official language of which is Arabic. The State shall protect freedom of religious observance in accordance with prevailing customs." Under the terms of article 5 of Act No. 20 of 1991: "Religion is a direct relationship with the Creator, without intermediary, and it is prohibited to claim a monopoly of religion or to exploit it for any other purpose."

57. According to article 289 of the Penal Code: "A penalty of up to one year's imprisonment or a fine of up to 50 dinars shall be imposed on anyone who disrupts or impedes, by violence or threats, the holding of public

religious observances or any private religious ceremony. The same penalties shall apply to anyone who damages, breaks, destroys or desecrates premises intended for the holding of religious observances or other objects venerated by the members of a religious community or population group." According to Article 290 of the same Code: "The penalties prescribed in the preceding article are also applicable to anyone who openly attacks a religion the observances of which are held in public."

58. Principle 10 of the Great Green Document stipulates that: "Religion, being an absolute faith in the transcendental, as well as a sacred spiritual value for every individual and for people in general, constitutes a direct relationship with the Creator, without any intermediary. The society of the Jamahiriya prohibits monopolization and exploitation of religion to stir up sedition, fanaticism, sectarianism, factionalism and conflict."

59. Freedom of thought is guaranteed by the Great Green Document, principle 19 of which stipulates that: "... and every member of the society of the Jamahiriya enjoys freedom of thought, research and creativity".

60. With regard to subparagraph (viii), article 8 of the Promotion of Freedom Act stipulates that: "Every citizen has the right to express and publicly proclaim his ideas and thoughts in the people's congresses and the information media of the Jamahiriya. No citizen shall be answerable for his exercise of this right unless he exploits it with a view to detracting from the people's authority or for personal ends. It is prohibited to advocate ideas or opinions clandestinely or to attempt to disseminate or impose them on others through enticement, force, intimidation or fraud."

61. With regard to subparagraph (ix), article 9 of the Promotion of Freedom Act further stipulates that: "Citizens are free to establish and join trade unions, professional and social federations and leagues and charitable associations in order to protect their interests or achieve the legitimate objectives for which those institutions were established." The same right is also embodied in principle 6 of the Great Green Document: "The members of the society of the Jamahiriya are free to form federations, trade unions and associations to protect their occupational interests."

62. Under the terms of article 1 of the Act promulgated on 30 October 1956, concerning public assemblies and demonstrations: "Individuals are entitled to assemble in a calm and peaceful manner and no police officer has the right to attend such gatherings, nor is there any need for the participants to notify him thereof." Public meetings are permitted within the limits of the regulations and provisions contained in that Act.

63. Under article 4 of the same Act: "The public authorities cannot prohibit a public gathering unless it is likely to disrupt security or public order. The prohibition order must be notified to one or more of the organizers of the gathering at his chosen place of domicile as soon as possible but not less than 24 hours from the time at which the gathering is scheduled to take place. The organizers of the gathering may lodge a protest against the prohibition order with the Minister of the Interior."

64. The establishment of associations is regulated by Act No. 111 of 1970.

65. Article 5 (e): According to article 4 of the Constitutional Declaration: "Work is a right, a duty and an honour for every citizen capable thereof. Public office is a trust vested in the persons undertaking it and, in the discharge of their tasks and duties, the aim of public officials should be to serve the people."

66. Article 10 of the Promotion of Freedom Act stipulates that every citizen is free to choose the type of employment best suited to him, alone or in association with others, without exploiting the endeavours of others and without causing material or moral detriment to third parties. Article 11 of the same Act further stipulates that every citizen has the right to enjoy the fruit of his labour and no part of the product of his labour may be withheld except to the extent required by law in order to ease the public burdens or in return for the provision of social services. Under the terms of article 29, children must not be used, by their families or others, to perform work that is incompatible with their abilities or which impedes their natural growth or is detrimental to their morals or their health.

67. According to p inciple 11 of the Great Green Document, society guarantees the right o work, which is a duty and a right for every individual to the extent of his abilities, alone or in association with others, and everyone has the right to choose the work that suits him, since the society of the Jamahiriya is a society of partners and not of hirelings.

68. Act No. 58 of 1970 regulates the terms and conditions of employment, protects workers from occupational hazards and specifies working hours, rest periods and the conditions for the employment of women and young persons.

69. Women have the right to perform appropriate work; otherwise, they would be placed in a situation in which they would be compelled to engage in work unsuited to their nature. With regard to rights and obligations, they are on an equal footing with men. The Wages Act No. 15 of 1981 lays down the principle of equal wages for equal work and responsibilities, within the framework of the satisfaction of basic needs and without any gender-specific discrimination.

70. The Promotion of Freedom Act, the Great Green Document and the Associations Act No. 111 of 1970 guarantee the right to form and join associations in the manner that has already been described in detail. Act No. 7 of 1975 regulates the right to establish trade unions.

71. The right to housing is embodied in principle 13 of the Great Green Document. Since 1969, great concern has been shown for this sector with a view to the provision of appropriate and salubrious accommodation for citizens.

72. Article 15 of the Constitutional Declaration stipulates that health care is a right which the State guarantees through the establishment of hospitals and medical treatment institutions in accordance with the law. Article 24 of the Promotion of Freedom Act further stipulates that: "Every citizen has the right to social welfare and social security. Society is the guardian of persons lacking a source of support and, as such, protects the needy, the aged, the disabled and orphans and ensures a decent livelihood for persons who

are incapable of work for reasons beyond their control." According to principle 14 of the Great Green Document, the society of the Jamahiriya is united in solidarity and guarantees its members a decent livelihood; it also ensures a high standard of health care for its members, caters for the welfare of mothers and children and protects the aged and the infirm.

73. Social security is regulated by Act No. 13 of 1980.

74. Education is a right and an obligation for all citizens. It is compulsory up to the end of the basic stage and is guaranteed by the State through the establishment of schools, institutes, universities and other cultural and educational institutions in which education is provided free of charge. The State shows particular concern for the physical, mental and moral welfare of young persons, as required by article 14 of the Constitutional Declaratio. Article 23 of the Promotion of Freedom Act also stipulates that every citizen has the right to education, information and choice of appropriate knowledge.

75. According to principle 15 of the Great Green Document, everyone has a natural right to education and knowledge, as well as a right to choose the education that suits him and the knowledge that he wishes to acquire, without pressure or compulsion.

76. According to principle 19 of the Great Green Document, every member of the society of the Jamahiriya enjoys freedom of thought, research and innovation and society must diligently endeavour to promote and develop the sciences, the arts and literature and ensure their dissemination among the masses.

77. Article 5 (f): Under the terms of article 33 of the Promotion of Freedom Act, public funds and facilities belong to society as a whole and must not be used for purposes other than those for which they are designated by the people. Public means of transport, as well as restaurants, cafes, theatres and parks, are accessible to all without any discrimination.

78. Decree No. 268 of 1985, promulgated by the Secretary of the General People's Committee for Information and Culture, calls for the presentation of family entertainment programmes and the organization of family excursions, sports projects and social events. Children also have their own programmes in the audio-visual broadcasting media, in addition to children's magazines.

Article 6

79. Details in this regard have already been provided within the context of article 5 (a).

Article 7

80. Many measures have been taken, through legislation, regulations, decrees, educational curricula and information programmes, to ensure equality among all human beings, to combat prejudices which lead to racial discrimination, to promote understanding and tolerance among nations and

peoples and to propagate the purposes and principles of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

81. All legislative enactments and conventions are freely accessible, being published in the Official Gazette, the press and other information media.

82. The educational curricula at all levels strongly advocate equality among all human beings and emphasize the need to combat any form of discrimination among them. The same applies to the information media and the audio-visual programmes that they disseminate on a daily and weekly basis and on special occasions.

83. Those programmes contain many Qur'anic verses and exhortations which further the aims that this article seeks to achieve. Symposia are also held to that end on various occasions, particularly during the celebration of the anniversary of the Universal Declaration of Human Rights and the anniversary of the establishment of the United Nations.

84. The Committee responsible for the preparation of this report sent letters to the Attorney-General, the Secretary-General of the Supreme Court and the People's Court in which it explained the Committee's task, namely the preparation of the eleventh to thirteenth periodic reports on the legislative, judicial and administrative measures taken by the Socialist People's Libyan Arab Jamahiriya pursuant to the provisions of the International Covenant on the Elimination of All Forms of Racial Discrimination, and requested them to provide it with full information concerning any cases of racial discrimination that had been brought before those competent courts, as well as the judgements handed down in connection with any complaints or grievances that had been filed by individuals or organizations. Those competent authorities replied that no cases of that type had been brought before them and they had not handed down any judgements on such matters.